Criteria for defining creamy layer

151. SHRI MAHENDRA MOHAN: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) the criteria for placing a person within the creamy layer in different States, in the case of OBCs, State-wise;

(b) whether the OBCs falling under the category of creamy layer are not allowed the benefit of reservation; and

(c) whether Government have any guidelines for States, for determining the creamy layer and if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI SUBBULAKSHMI JAGADEESAN): (a) to (c) The creamy layer has been defined *vide* Government of India Office Memorandum (OM) No. 36012/22/93-Estt. (SCT) dated 8th September, 1993 as amended *vide* OM No. 36033/3/2004-Estt. (Res) dated 9th March, 2004. As per these, children of certain categories of persons holding constitutional posts, Officers of certain categories of persons working in the Central/State Governments, Public Sector Undertakings, Armed Forces including Para Military Forces, Professional class and those engaged in Trade and Industry, certain property owners etc. and the persons having gross annual income of Rs. 2.5 lakh or above possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years fall in creamy layer. OBCs falling under the category of creamy layer are not allowed the benefit of reservation. The State Governments are free to fix their own criteria for purpose of the State List.

In pursuance of the judgment of Supreme Court delivered in 1992 in Indira Sawhney & Others Vs. Union of India & Others case, Central Government and all the State Governments/ Union Territories set up their own Commissions for identification of Castes/Communities for inclusion in the Central/State lists. The judgment also mentioned that it shall be open to the Government of India and respective State Governments to device the procedures/methods to be followed by such bodies.

So far as the criteria for placing a person within the creamy layer in different States is concerned, it is at the discretion of the State Governments.

Welfare of senior citizens

152. SHRIMATI N.P. DURGA: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) the salient features of the proposed Maintenance and Welfare of Parents and Senior Citizens Bill, 2007;

(b) whether it is a fact that the Standing Committee on Social Justice & Empowerment has recommended insertion of a new clause, guaranteeing the right to residence to parents;

(c) if so, the details thereof; and

(d) how Government are planning to play a pro-active role in making the States to implement the above legislation?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI SUBBULAKSHMI JAGADEESAN): (a) The Bill envisages

setting up of Tribunal in each sub-division of every district to enforce the maintenance right of parents. The Bill also proposes to address the issues concerning older persons including lack of physical and financial support, emotional neglect, provision of food and shelter and protection of life.

(b) and (c) The Standing Committee has recommended that a provision should be included in the Bill to guarantee right to residence of parents in the house, even if constructed by their son from his personal earnings as it would ensure protection of their life.

(d) The National Council for Older Persons (NCOP) under the Chairpersonship of Hon'ble Minister, Social Justice & Empowerment, is the highest body to coordinate and monitor the successful implementation of policies relating to welfare of the aged.

Manual scavenging

†153. SHRI SURENDRA LATH: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether Government are aware that the practice of scavenging is still prevalent in various States of the country;

(b) the number of persons punished or fined, till date, under the Employment of manual Scavengers and construction of Dry Latrines (Prohibition) Act, 1993; and

(c) whether Government have any information as the number of persons still engaged in this inhuman practice in different States of the country?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI SUBBULAKSHMI JAGADEESAN): (a) and (b) The continuance and construction of dry latrines and employment of manual scavengers is prohibited under the Employment of manual Scavengers and Construction of Dry Latrine (Prohibition) Act, 1993. As per the data available, more than 12,500 prosecutions have been filed in the judicial courts for contravention of the provisions of the Act.

(c) No such data is available.

Welfare schemes in Sikkim

154. SHRI O.T. LEPCHA: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) the details of welfare schemes being formulated and implemented by Government in Sikkim;

(b) whether Government have formulated any scheme for SCs, STs Tribals and backward classes in the State; and

(c) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRIMATI SUBBULAKSHMI JAGADEESAN): (a) to (c) No separate Scheme is being formulated and implemented exclusively for Sikkim. However, all schemes for the welfare of Scheduled Castes, Scheduled Tribes & Other Backward Classes are being implemented in Sikkim.

†Original notice of the question was received in Hindi.